

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
State Actions to Achieve Effective Deployment)	CC Docket 94-102
Of E911 Capabilities for Multi-Line Telephone)	DA 04-3874
Systems (MLTS))	

REPLY COMMENTS OF NENA

The National Emergency Number Association (“NENA”) hereby replies to the comments of others in the captioned proceeding.¹ Of the eight sets of comments, only Verizon states that the Commission’s decision to leave to the states the issues of MLTS 9-1-1 is working as hoped.² At the time, the FCC said:

We expect that states will work quickly to adopt legislation in this area. In order to monitor their progress in doing so, we intend to issue a public notice in a year examining this topic. If we find that states do not appear to be filling this gap in the emergency call system, we may reconsider our decision not to implement national rules in this area.

18 FCC Rcd 25340, at ¶59.

In our opening comments (at 2), we noted that only two states adopting MLTS legislation appear to have acted recently enough to take into account the views of the FCC that the failure to deliver Automatic Number Identification

¹ Posted to the Commission’s Electronic Comment Filing System under date of February 28, 2005 were Comments of Texas CSEC, Enterprise Communications Association (“CEA”), Verizon, Avaya, Qwest, RedSky Technologies, APCO and Metropolitan 911 Board (Minneapolis-St. Paul, Minnesota).

² Report and Order and Second Further Notice, 18 FCC Rcd 25340 (2003).

“ANI”) and Automatic Location Information (“ALI”) is a serious “gap in the emergency call system.” Of course, the states are not bound to follow this federal lead and, as further detailed in Attachment A to this Reply, the few who have legislated at all have varied widely in their approaches.

If NENA’s comments on each state law in Attachment A are accurate, we can only count six of the 13 states as widely implementing ANI/ALI/Selective Routing regulations to the extent recommended in the Model Legislation. The Colorado statute is a consumer notice only, while the Connecticut legislation bars blocking of 9-1-1 calls and sets response standards but not 9-1-1 call delivery requirements. The Arkansas and Florida statutes are unclear for the reasons given. Maine and Vermont appear to establish administrative rulemaking as a precondition to MLTS E9-1-1 implementation and, so far as we can determine, no such rules exist. The Mississippi law covers STS and Centrex only.

These differences are why NENA and APCO have proposed to amend Parts 68 and 64, so as to “introduce uniform guidance for manufacturers, distributors, owners, users and PSAPs, and for states that seek to adopt” pertinent legislation.³ We reproduce at Attachment B the two key subsections of a new Part 68 rule to achieve not only uniformity but also affordability, together with one simple implementation method. We believe that until the FCC adopts guidance of this sort, states will continue with divergent legislation that represents compromises by fiercely contending parties. A national solution offering scale economies to MLTS

³ Reply Comments of NENA and NASNA, April 26, 2004, 2.

makers and users would help to remove expense as an obstructive bone of contention.

NENA is not the only critic of an overabundance of diversity. ECA,⁴ Avaya,⁵ RedSky⁶ and APCO⁷ all have called for at least enough national guidance and uniformity to allow MLTS manufacturers and users and public safety responders to enjoy economies of scale and efficiency of operation.

Two of these, ECA (Comments, 13) and Avaya (Comments, 13-15), respectively suggest an advisory committee and a further rulemaking to arrive at a set of national standards for MLTS 9-1-1. NENA is reluctant to add another year or more to a process that is in its 11th year. We believe there is enough information on the record as it stands to support the performance-based revisions of Parts 68 and 64 that we and APCO have proposed, while leaving room for states and local governments to add their own local requirements. In fact, the Model Legislation was designed with such flexibility in mind.

Avaya, a member of the NENA task force that produced the recommended Model Legislation in 2001, now believes that the approach “has proved inadequate.” (Comments, 10) The illustrations Avaya provides, however, are not defects in the model itself but misapplications of the document by the legislatures. We believe that the Commission’s adoption of certain technical rule revisions would enhance

⁴ Comments, 7-9.

⁵ Comments, 6-10.

⁶ Comments, 2-4.

⁷ Comments, 2-4.

the cost-effectiveness of MLTS E9-1-1 solutions, thereby greatly reducing the contentiousness of state proceedings that often create unmanageable compromises.

Nevertheless, if the Commission agrees with ECA and Avaya – whose past help we much appreciate – that a fresh look at a workable federal/state/local solution is needed, we are more than willing to participate. It may be that during such an interval, the treatment of IP-based services will have advanced to a point of consensus that will make MLTS 9-1-1 resolution easier.⁸

CONCLUSION

By our count, only six of the 13 states said to have adopted MLTS E9-1-1 legislation have done so with a breadth that bears comparison to the NENA-APCO model. Only two states have acted recently enough to have been influenced by the FCC's late-2003 decision to leave the subject of reliable 9-1-1 access to them. The variations in state action, and the absence of action in the vast majority of jurisdictions, are acknowledged by the Commission to be serious gaps in the emergency calling system. In the gaps, tragedy may strike and be compounded at any time. NENA urges the FCC to provide the federal guidance that will make state regulatory efforts less contentious, more uniform and thereby more affordable.

Respectfully submitted,

NENA

By _____

⁸ We certainly don't want to provide critics a basis for claiming the adoption of federal requirements, on the heels of a prior decision to leave the issues to the states, constitutes any failure of notice under the Administrative Procedure Act.

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ATTACHMENT A

STATE MLTS 9-1-1 LEGISLATION

Below is a summary of current state laws affecting the identification and location of MLTS callers to 9-1-1. The “Comment” concluding each state segment is from NENA. We are indebted to RedSky, APCO and others who have placed similar material on their web sites. We are not the best source of information about state laws and implementing rules. We hope that pertinent authorities – public service commissions, 9-1-1 boards or state legislators – will offer their own expert views and help the FCC make a better-informed decision on the need for national requirements. Realistic assessments about legislative possibilities in the near term of 1-3 years would be especially welcome.

Ark. Code Ann. § 12-10-317**§ 12-10-317. 911 Center -- Operation -- Rights, Duties, Liabilities, etc. of Service Providers**

(a) (1) Each service provider shall forward to any public safety answering point equipped for enhanced 911 service the telephone number and street address of any telephone used to place a 911 call.

COMMENT: The efficacy of this law depends on the specificity of the street address registered for a given MLTS station. If the address is simply that of the main PBX serving stations at multiple locations, the risk of responder misrouting remains.

Colorado (House Bill 1084)***Be it enacted by the General Assembly of the State of Colorado:***

SECTION 3. Article 11 of title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

29-11-106. Disclosure of 9-1-1 dialing and calling capabilities.

(1) When the method of dialing a local call from an MLTS telephone requires the dialing of an additional digit to access the public switched network, MLTS operators shall provide written information to their end-users describing the proper method of

dialing 9-1-1 from an MLTS telephone in an emergency. MLTS operators that do not give the ANI, the ALI, or both shall disclose such fact in writing to their end-users and instruct them to provide their telephone number and exact location when calling 9-1-1.

COMMENT: As APCO has noted in its web site summary, this is "notification only." Notice is helpful, but it is not the same as E9-1-1.

Connecticut. Conn. Gen. Stat. § 28-25b (1999)

§ 28-25b. Public Safety Answering Points. Automatic Alarms or Alerting Devices. Private Safety Answering Points

(d) Except as provided in subsection (e) of this section, no person, firm or corporation shall program any telephone or associated equipment with outgoing access to the public switched network of a telephone company so as to prevent a 9-1-1 call from being transmitted from such telephone to a public safety answering point.

(e) A private company, corporation or institution which has full-time law enforcement, fire fighting and emergency medical service personnel, with the approval of the office and the municipality in which it is located, may establish 9-1-1 service to enable users of telephones within their private branch exchange to reach a private safety answering point by dialing the digits "9-1-1". Such 9-1-1 service shall provide the capability to deliver and display automatic number identification and automatic location identification by electronic or manual methods approved by the office to the private safety answering point. Prior to the installation and utilization of such 9-1-1 service, each municipality in which it will function, shall submit a private branch exchange 9-1-1 utilization plan to the office in a format approved by the office. Such plan shall be approved by the chief executive officer of such municipality who shall attest that the dispatch of emergency response services from a private safety answering point is equal to, or better than, the emergency response services dispatched from a public safety answering point.

COMMENT: Subsection (d) is an anti-blocking provision that imposes no ANI or ALI requirement on an MLTS call to 9-1-1. The comparative performance requirement in (e) might be construed to relate to call delivery to a PSAP, but it appears to be designed to measure dispatch instead.

(e) (2) REQUIRED ALI CAPABILITY.--Each PBX system installed after January 1, 2004, must be capable of providing automatic location identification to the station level.

COMMENT: This appears to impose on MLTS owners a private switch ALI capability requirement, but it is not clear whether, when and how the owner must actually put the capability into operation.

**Illinois, Governing Statute
(50 ILCS 750/15.5)**

Secs. 15.5 and 15.6. Private residential switch service 9-1-1 service.

Illinois Commerce Commission
On Its Own Motion

Adoption of 83 Ill. Adm. Code 726 to implement P.A. 91-0518

On August 13, 1999, Governor Ryan signed into law P.A. 91-0518, amending Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6]. The revision to Section 15.6 of the Act requires the Illinois Commerce Commission ("Commission") to promulgate rules by January 1, 2000 for the administration of the Section.

COMMENT: The Illinois law and rules are among the most comprehensive of the sets of state MLTS 9-1-1 regulations. The City of Chicago has separate recommendations for its MLTS owners:

The following are suggested parameters intended to assist business entities in the documentation of telephone installation location information, in accordance with the State of Illinois Emergency Telephone ACT, Public Act 91-0518:

Provide a name to all private streets on your campus/complex that you must address.

Identify all buildings and/or structures that need to be readdressed. Each building and/or structure must have a unique name, address, or identifier.

Use the National Emergency Number Association (NENA) recommended abbreviations for street thoroughfares. Assign addressing based on the City of Chicago street grid system. (Contact the City of Chicago Bureau of Maps and Plats, 121 North La Salle Street, Chicago Illinois, 60602)

Complete texts for the Illinois law and rules and the Chicago recommendations are available at <http://www.apcointl.org/about/pbx/index.html>, "State Legislative Summary.

Kentucky

65.752 Requirements for enhanced 911 emergency service -- Privacy of information.

(1) Any DPTS located in an area that has adopted enhanced 911 emergency service shall within three (3) years of the date of its adoption, or if already adopted within three (3) years after July 15, 1998, be able to:

(a) Operate effectively within an enhanced 911 system;

(b) Transmit a SIN for the station that directly dials the emergency number 911 to the service supplier; and

(c) Provide the service supplier with the following system information that shall be updated within five (5) business days if changes occur within the system:

1. Number of incoming trunk connections to the enhanced 911 system; and

2. SIN, sublocation, such as floor or apartment number, if applicable, and street address of each station that may originate an emergency call.

(2) In areas where fully enhanced 911 service has been implemented, the service supplier shall, at a minimum, make the verified ANI and ALI provided by the DPTS available to a PSAP for a fully enhanced 911 call.

Definitions:

(5) "Dispersed private telephone system (DPTS)" means a multiline, shared tenant system or PBX used for the purpose of reselling telephone service to residential customers and whose connection to a telephone network is capable of carrying emergency calls from more than one (1) specific location within a structure or structures but does not mean a multiline, shared tenant system or PBX owned and operated by a state agency or used in providing service within a hotel or motel;

COMMENT: The requirements of Section 65.752 for DPTS as defined only apply in areas that have adopted E9-1-1 service. A compliance grace period of three years after adoption of the service is allowed. As noted in the DPTS definition, shared tenant systems, state-owned PBXs and PBXs serving hotels and motels are exempted.

Louisiana

SENATE BILL NO. 878 (Substitute for Senate Bill No. 705 by Senator Jackson)

BY SENATOR JACKSON

ACT NO. 737

R.S. 33:9110 is all new law. 8

A. As used in this Section, the following words and terms shall have the

following meanings:

(2) "Automatic location identification" or "ALI" means the automatic display at the Public Safety Answering Point (PSAP) of the caller's telephone number, the address or location of the telephone, and the supplementary emergency services information.

(4) "Automatic number identification or "ANI" means the telephone number associated with the access line from which a call originates.

B. Each private branch exchange (PBX) system installed after January 1, 2005, must be capable of providing automatic location identification (ALI) to the station level.

COMMENT: Louisiana, like Florida, requires ALI to the PBX station level, whereas Illinois and Kentucky allow callback numbers (ANIs) to be associated with more ample spaces, up to 40,000 square feet in the former and to the size of a "floor" in the latter.

MAINE LAWS

CHAPTER 478

H.P. 1056 - L.D. 1444

Sec. 1. 25 MRSA §2934 is enacted to read:

§2934. Multiline telephone systems

1. Requirements. The bureau may by rule establish requirements for locating emergency calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. Rules adopted pursuant to this section:

- A. May not require any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues;
- B. Apply only to multiline telephone systems installed, introduced, established or replaced after the effective date of the rules;
- C. Must provide for appropriate standards, exemptions and waivers that balance the benefits of improved methods of locating emergency calls, and initiating emergency responses to such calls, made from within multiline

telephone systems and the cost of achieving those improvements. The rules must allow, in appropriate circumstances, for methods that do not utilize automatic location identification and automatic number identification standards used in processing enhanced 9-1-1 calls; and

D. May establish appropriate technical, procedural or any other standards relating to multiline telephone systems, telecommunications carrier interconnectivity, databases, dialing instructions, signaling or other matters necessary or appropriate to carry out the purposes of this section.

2. Rules. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The bureau may not provisionally adopt any rule under this section that has not been approved by the Public Utilities Commission.

[Effective September 13, 2003, unless otherwise indicated.]

COMMENT: The effectiveness of this law appears to depend on the adoption of rules by an Emergency Services Communication Bureau as approved by the Maine Public Utilities Commission. So far as we have been able to determine, no rules are yet in force. The regulation is forward-looking only, and must not require additional local spending. Any ANI and ALI standards considered for adoption must undergo a cost-benefit analysis and allow for waivers and exemptions in appropriate circumstances.

Minnesota

COMMENT: See the Comments in this proceeding of the Metropolitan 911 Board, with attachments, dated February 24, 2005.

Mississippi

SEC. 19-5-359. Requirement of service suppliers and other parties to provide access to basic or enhanced 911 service; time to comply.

(2) From and after December 31, 1993, any person, corporation or entity operating a "shared tenant service" type of telephone system shall be required to provide as a minimum the location and telephone number information for each and every extension or user on such "shared tenant" system to the regulated local exchange telephone service provider where the service provider can utilize such information in the delivery of "Enhanced 911" emergency telephone service. This information shall consist of data in a format that is compatible with the service supplier's requirements in order to provide such location and telephone number information

automatically in the event a call to 911 is placed from such a system. It shall be the responsibility of the operator or provider of "STS" telephone services to maintain the data pertaining to each extension operating on such system.

(4) Any service suppliers engaged in the offering or operating of "Centrex" or "ESSX" telephone service within the State of Mississippi shall cause the actual location of all extensions operating in this service to be displayed at the PSAP whenever a 911 call is placed from said extension. This feature shall not be required in areas where Enhanced 911 is not in operation but shall be required should such area upgrade to Enhanced 911 service.

COMMENT: Mississippi MLTS law appears to be confined to Shared Tenant Systems ("STS") and Centrex operations, but does not include stand-alone PBX systems that are characteristic of business use.

Texas

Health and Safety Code §771.060

§ 771.060. Business Providing Residential Telephone Switches

A business service user that provides residential facilities and owns or leases a private telephone switch used to provide telephone service to facility residents shall provide to those residential end users the same level of 9-1-1 service that a service supplier is providing to other residential end users in the area participating in the regional plan under Section 771.051(2).

Added by Acts 1993, 73rd Leg., ch. 936, § 3, eff. Aug. 30, 1993.

H.B. No. 802

AN ACT relating to the number and location information requirements provided by business phones in certain 9-1-1 emergency communication districts. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: SECTION 1. Section 772.218, Health and Safety Code, is amended by amending Subsection (d) and adding Subsections (e), (f), (g), (h), and (i) to read as follows: (d) A business service user that owns or leases a publicly or privately owned telephone switch used to provide telephone services to nonaffiliated businesses shall provide to those business end users the same level of 9-1-1 service that a service supplier is required to provide under Subsection (a) to other business end users in the district. (e) A business service user that owns or leases a publicly or privately owned telephone switch used to consolidate telephone services at two or more physical addresses shall provide a level of 9-1-1 service that identifies an accurate physical address and telephone number for each 9-1-1 call. For purposes of this section, each floor of a multi tenant building is a different physical address. (f) A hotel, motel, or similar

lodging facility that does not operate with a 24-hour, seven-day on-site telephone operator must use a system that furnishes the telephone number and location of the individual unit from which a 9-1-1 call is placed. (g) A service supplier, [or] business service user, or lodging facility that implements the network and database enhancements necessary to provide a service described in [under] Subsection (b), (d), (e), or (f), including a supplier, user, or facility that is not required to provide the service, is not liable to a person who uses a 9-1-1 system created under this subchapter for the release to the district of the information specified in this section [Subsections (a) and (b)]. (h) Subsections (d) and (e) do not apply to a telecommunications system installed by a public school district or a state agency. (i) Subsections (d), (e), and (f) apply only to a telecommunications system installed on or after September 1, 2003.

SECTION 2. This Act takes effect September 1, 2003.

COMMENT: Ten years after adoption of residential facility coverage, HB 802 was enacted to apply differentially to MLTS used to “provide telephone services to nonaffiliated businesses” (business STS) as against “a publicly or privately owned telephone switch used to consolidate telephone services at two or more physical addresses.” In the first case, ALI is by precise station location, in the second, the precision of ALI location is more flexible, along the lines suggested in the NENA-APCO Model Legislation. HB 802 does not apply statewide, but is limited to “certain 9-1-1 emergency communication districts.”

Vermont

From Act 197 (S.311)

AN ACT RELATING TO AN ENHANCED 911 EMERGENCY RESPONSE SYSTEM.

§ 7057. PRIVATELY OWNED TELEPHONE SYSTEMS

When an enhanced 911 system is implemented, any privately owned telephone system shall provide to those end users the same level of 911 service that other end users in the area receive and shall provide ANI signaling, station identification data and updates to enhanced 911 data bases under rules adopted by the board, except that the board may waive the provisions of this section for any privately owned telephone system, taking into consideration the costs and the public benefits of compliance, in accordance with standards and procedures adopted by the board by rule.

COMMENT: As in other state legislation summarized above, the implementation appears to depend on adoption of rules, including regulations applying cost-benefit analysis to waiver requests.

Washington

RCW 80.36.560

Enhanced 911 service -- Business service required.

By January 1, 1997, or one year after enhanced 911 service becomes available or a private switch automatic location identification service approved by the Washington utilities and transportation commission is available from the serving local exchange telecommunications company, whichever is later, any commercial shared services provider of private shared telecommunications services for hire or resale to the general public to multiple unaffiliated business users from a single system shall assure that such a system is connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing or planned county enhanced 911 system. This section shall apply only to providers of service to businesses containing a physical area exceeding twenty-five thousand square feet, or businesses on more than one floor of a building, or businesses in multiple buildings.

[1995 c 243 § 5]

RCW 80.36.555

Enhanced 911 service -- Residential service required.

By January 1, 1997, or one year after enhanced 911 service becomes available or a private switch automatic location identification service approved by the Washington utilities and transportation commission is available from the serving local exchange telecommunications company, whichever is later, any private shared telecommunications services provider that provides service to residential customers shall assure that the telecommunications system is connected to the public switched network such that calls to 911 result in automatic location identification for each residential unit in a format that is compatible with the existing or planned county enhanced 911 system.

[1995 c 243 § 3.]

NOTES:

Findings -- 1995 c 243: "The legislature finds that citizens of the state increasingly rely on the dependability of enhanced 911, a system that allows the person answering an emergency call to immediately determine the location of the emergency without the need of the caller to speak. The legislature further finds that in some cases, calls made from telephones connected to private telephone systems may not be precisely located by the answerer, eliminating some of the benefit of enhanced 911, and that this condition could additionally imperil citizens calling from these locations in an emergency. The legislature also finds that until national standards have been developed to address this condition, information-

forwarding requirements should be mandated for only those settings with the most risk, including schools, residences, and some business settings." [1995 c 243 § 1.]

COMMENT: These decade-old Washington laws apply differential ALI to residential settings (by station) and shared business use of MLTS (floor space threshold, or multi-floor). The most critical aspect of the state law, in our view, is the note reading in part: "The legislature also finds that until national standards have been developed to address this condition, information-forwarding requirements should be mandated for only those settings with the most risk, including schools, residences, and some business settings." In other words, Washington State is waiting for Washington, D.C. (the FCC) to take the lead, while the FCC is expecting the state to lead. This mutual deference does not bode well for the progress of MLTS E9-1-1.

ATTACHMENT B**MLTS ACCESS TO 9-1-1**

Below are two subsections of the new Section 68.319 proposed by NENA and APCO. Following the subsections are a description of one simple method for implementing the new rule. The rules, however, are written as performance standards rather than prescriptions, so that manufacturers, vendors, distributors and users can choose their own cost-effective solutions.

Section 68.319

(c) **Signaling for 9-1-1 Calls to the Public Switched Telephone Network** – Systems, other than Key Telephone Systems, with a capacity of 49 or more telephone sets must be capable of processing 9-1-1 calls utilizing an accepted industry standard such that the data transmitted to identify the call can be utilized as a reference to retrieve station location information. Documentation for the system shall describe the capabilities included to implement this requirement.

(d) **Multiple sets identified by a single number** - Systems with a capacity of 49 or more telephone sets must be capable of processing 9-1-1 calls to the PSTN and the associated Enhanced 9-1-1 networks such that a unique number is transmitted to identify individual telephone sets or aggregates of no more than 48 telephone sets, as a unique Emergency Response Location, per identifying number. For purposes of this paragraph, the Emergency Response Location is defined as a location to which a 9-1-1 emergency response team may be dispatched.

**Conversion of MLTS Telephone
Station Numbers to ELINs**

Basically, the MLTS manufacturer provides a feature of the following capability:

<u>Station Nbr</u>	<u>Emergency Location ID ("ELIN")</u>
3256	NXX-3256
3678	NXX-3256
4290	NXX-3256
3578	NXX-3578
3579	NXX-3578
3589	NXX-3578
etc	

Multiple station numbers are associated with specific ELINs. This database is accessed when a 9-1-1 dialed call is recognized in the MLTS system. The first three stations are in a common area, and are identified and located via the 3256 number, which is also the dialable call back number for that area. Thus each station does not have to be dialable (saving expense), the Emergency Response Location (“ERL”) area is adequately identified, and only the ELIN numbers require ALI records for ERL data.

So a simple software table, probably linked for maintenance with the MLTS station assignment logic, does the job at low cost, thus making the business owner or user happy. But even this requires some standard conceptual approach, in order to avoid multiple, costly methods that have to be adapted to by the users. Such an approach is the aim of proposed Section 68.319(c) and (d).

Additional details may be found in “Private Switch (PS) E9-1-1 Database Standard,” NENA 06-003, February, 2003, at:

http://www.nena.org/9-1-1TechStandards/nena_recommended_standards.htm.